

C. R. W.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAFILED  
2008 MAY 22 AM 10:13

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro LOBATON-Nuno,

Defendant

Magistrate Docket No.

'08 MJ 1606

KNH

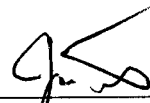
COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

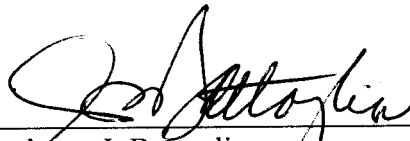
On or about **May 21, 2008** within the Southern District of California, defendant, **Pedro LOBATON-Nuno**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF MAY 2008.



Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Pedro LOBATON-Nuno****PROBABLE CAUSE STATEMENT**

On May 21, 2008, Border Patrol Agent C. Weissmann was conducting line watch operations in an area known as the "Park Elbow." This area is approximately five miles west of the San Ysidro, California Port of Entry and ten yards north of the United States/Mexico International Boundary.

While patrolling just north of the Border fence, Agent Weissmann discovered footprints heading north. Agent Weissmann followed the footprints for approximately 100 yards and found four individuals attempting to conceal themselves in some brush. Agent Weissmann identified himself as a Border Patrol Agent and conducted an immigration inspection. All four, including the defendant later identified as **Pedro LOBATON-Nuno**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. All four were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 9, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. He stated he understood these rights and was willing to answer questions without the presence of an attorney. The defendant again freely admitted to being a citizen and national of Mexico present in the United States without any documentation that would allow him to enter or remain legally.